WHITE PAPER | KEY PATENT DEVELOPMENTS OF 2023

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In a noteworthy year for patent law, the U.S. Supreme Court and the U.S. Court of Appeals for the Federal Circuit issued several decisions that will shape the patent landscape and the Federal Rules of Evidence governing expert testimony were amended. The topics of the key cases included procedure in *inter partes review* proceedings before the Patent Trial and Appellate Board, the enablement requirement, the calculation of patent term adjustments, the public use bar and the prosecution laches defense to infringement claims. In addition, the UK High Court of Justice issued a pair of decisions adjudicating the rate of a fair, reasonable and non-discriminatory license ("FRAND") for standard essential patents.

This *White Paper* summarizes and explains some of the most significant patent law decisions of 2023. These decisions have meaningful implications for patent owners, defendants and patent practitioners alike.

**Contents**

- **INVALIDITY DEFENSES**
  - Amgen Inc. v. Sanofi, 143 S.Ct. 1243 (2023)
  - In re: Cellect, LLC, 81 F.4th 1216 (Fed. Cir. 2023)
  - Minerva Surgical, Inc. v. Hologic, Inc., 59 F.4th 1371 (Fed. Cir. 2023)

- **INTER PARTES REVIEW PROCEDURE**
  - Axonics, Inc. v. Medtronic, Inc., 73 F.4th 950, 75 F.4th 1374 (Fed. Cir. 2020)
  - Ironburg Inventions, LTD. v. Valve Corp., 64 F.4th 1274 (Fed. Cir. 2023)
  - Purdue Pharma L.P. et al. v. Collegium Pharma., Inc., 2023 WL 8043047 (Fed. Cir. Nov. 21, 2023)

- **OTHER DEFENSES – PROSECUTION LACHES BAR**

- **DAMAGES**
  - Optis Cellular Tech. LLC et al. v. Apple Retail UK Ltd. et al., [2023] EWHC 1095 (Ch) (10 May 2023)

- **EXPERT OPINION TESTIMONY**
Read the White Paper [here](#).

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**PRACTICE AREAS**

Intellectual Property

Patent Litigation